

REMARKS

Claims 1-20 are now in this application. Claims 1-19 are rejected. Claims 9 and 16 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues. New claim 20 is added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-8, 10-15 and 17-19 are rejected as obvious over Sitrick (US 6,084,168) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that a *prima facie* case of obviousness has not been established in the rejection of the claims. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest

all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

In the present instance, the cited reference fails to teach all claim limitations. In particular, the claimed invention of both independent claim 1 and independent claim 10 allows a second player to participate in the musical play in the middle of a performance initiated by a first player. Although Sitrick discloses a plurality of music work stations, each at which a player (musician) can read musical notation and play it with his/her musical instrument and in which a synchronization process is performed to maintain harmony among the music played by the plural musicians, there is no provision for allowing an additional player to participate in the musical play in the middle of a performance already commenced by a first player.

Claims 1 and 10 each include, as an element, a second reproduction controller which transfers the music data, after a reproducing position calculated by a second reproducing position calculator, from a second music data storage device to the second music reproducer. Sitrick is silent regarding the transferring of such data from the second music data storage to the second music reproducer, and more specifically, not the entirety of data, but rather the portion of the data corresponding to a part thereof from the position calculated by the second reproduction calculator.

Thus, it is respectfully submitted that rejected claims 1 and 10, and claims 2-8, 11-15 and 17-19 which depend therefrom, are not obvious in view of the cited reference for the reasons stated above. Reconsideration of the rejections of claims 1-8, 10-15 and 17-19 and their allowance are respectfully requested.

Claims 9 and 16 are rejected as obvious over Sitrick (US 6,084,168) in view of Takai (US 6,116,908) under 35 U.S.C. § 103(a). The applicants herein respectfully traverse this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Takai reference does not provide the teaching noted above with respect to the obviousness rejection of claims 1 and 10, from which claims 9 and 16 depend, that is absent from the primary Sitrick reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations as properly required for establishing a *prima facie* case of obviousness.

In addition, it is respectfully submitted that Takai fails to teach a plurality of steppers on which a game player steps as recited in each of claims 9 and 16. Takai discloses a display of a series of steps which are to be followed by a dancer on a screen. Applicants submit that displaying steps on a screen is not the same as having the plurality of stepping sections as defined in claims 9 and 16.

Therefore, based upon the above, reconsideration of the rejections of claims 9 and 16 and their allowance are respectfully requested.

Claim 20 is added and is submitted as patentable over the cited art of record insofar as it recites subject matter not believed disclosed in the cited art in the manner as claimed. Favorable action on the merits is earnestly solicited.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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APPENDIX I**AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN
BY BRACKETS AND UNDERLINING**

9. (Amended) A music game system according to claim 8, wherein:
each of the first and second motion inputting sections is comprised of
a plurality of stepping sections on which [the] a corresponding one of said first and
second game [player step] players steps; and
each of the first and second motion instructors instructs a stepping
section to be stepped and a stepping timing to the game player.

16. (Amended) A music game system according to claim 15, wherein:
each of the first and second motion inputting sections is comprised of
a plurality of stepping sections on which [the] a corresponding one of said first and
second game [player step] players steps; and
each of the first and second motion instructors instructs a stepping
section to be stepped and a stepping timing to the game player.